

## PLANNING COMMISSION MINUTES

November 12, 2018

### MEMBERS PRESENT

Mr. Wilson  
Mr. Garrison  
Mr. Dodson  
Mr. Petrick  
Mr. Searce  
Mr. Jones

### MEMBERS ABSENT

Mr. Bolton

### STAFF

Lisa Jones  
Ken Gillie  
Bryce Johnson  
Holley Preston  
Clarke Whitfield

The meeting was called to order by Chairman Searce at 3:00 p.m.

### **I. ITEMS FOR PUBLIC HEARING**

- 1. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 3.J, entitled "N-C Neighborhood Commercial", Section C entitled "Special Permit Uses", by adding Item 22 to allow for an indoor shooting facility, and Article 8, entitled "Parking and Loading Requirements" to allow for reductions of parking space requirements.*

Mr. Searce opened the Public Hearing.

Mr. Searce asked if there are any comments on the code changes.

Mr. Steven Wilson stated, I live in the Historic District at 90 Main Street. Mr. Wilson stated, I came to Danville in 2004 or 2005 and I have been restoring old houses developed in the Historic District. I know a bit about what is going on with the needs of the City. What I wanted to tell you is that changing zoning of Historic Main Street to effect the same way as Piney Forest and so on is not a good idea. This house beside of the property that we are talking about is one of the oldest houses built in the 1830's. Which is the house of the first Mayor of Danville. I think we are on the right track for rebuilding Danville. We have had a lot of companies that have taken an interest in Danville. I'm sympathetic to having the business that you want to have in fact there are a lot of places if someone would ask me I can give you some suggestions.

Mr. Searce stated I just want to make a comment we are not actually changing the zoning per say just adding a special use permit.

Mrs. Susan Stilwell, 301 Craghead Street. Mrs. Stilwell stated you're not changing the zoning but you are making the zoning fit Highway Retail Commercial by allowing this use there. My question is how many parking spaces are available for this site?

Mr. Johnson stated due to the fact that the indoor shooting facility is a newer use defined in the zoning ordinance it currently isn't listed in the parking requirements as one of those uses with that specific number.

Mrs. Stilwell stated do you mean they are just going to park anywhere they want?

Mr. Johnson stated no they have parking on site.

Mrs. Stilwell stated how many parking spaces do they have?

Mr. Johnson stated I can double check that if you like.

Mrs. Stilwell stated okay, I came back to Danville when the YWCA was busy and most of the parking that is available there actually belongs to the Elder Law Center next door. I just feel like that if people are going to be carrying guns they need to be parking next to the building where they are going to be taking guns in. So, I'm very concerned about that and having adequate parking or limiting the number of people that can come into the facility. They have to be able to park on Summit, but I don't think that is an unreasonable request people that are going to be using that facility would not be parking in Epiphany or Union Church parking lot or behind the Elder Law Firm or any other place that is private parking. I think you should take that into consideration and limit how many people could be allowed to go into that facility unless they can park on site.

Beverly Richardson, 731 Grove Street in the Old West End. Ms. Richardson stated I am opposed to you issuing this special use permit for the following reasons. We have formed an organization in the Old West End and I'm passionately concerned about preserving the revitalization in the neighborhood. We walk in the neighborhood and we see all the children running up and down the neighborhoods. The dogs, pets and we see people attending Churches all seven days a week. The reason I brought that up is a person going to a shooting range in a Historic neighborhood who has had life issues is troublesome. I was very saddened to hear that someone would consider putting a shooting range on Main Street because we take pride in the Old West End and we will do everything that we can to make it better. I just think that the shooting range needs to be out on 58 East or West. It's not a good idea and I'm going to ask if you were living in the Old West End and you have two great schools and wonderful Churches and you have a group of neighbors that are concerned about revitalizing the neighborhood would you want it in your neighborhood. I'm saying that Main Street is Historic and beautiful and Danville is one of them most beautiful cities in this Country and Old West End is a beautiful neighborhood. I don't want that interrupted by change in highway permit for Special Use and it works opposite of what we are trying to do. I think a shooting range is fine, but it's not fine in the Old West End or Main Street.

Tom Barrett, 405 West Main Street. Mr. Barrett stated I understand the purpose is for use of an indoor firing range and I have seen and been in a indoor firing ranges. There was no sound from room to room that part doesn't bother me. I'm not against guns that are used legally and purchase legally. There are a number of Churches in this area and there are a bunch of schools and preschools on Main Street. There have been millions of dollars spent in the Old West End, in the River District, in the Historic District and millions of dollars spent by the City of Danville, by individuals, and by business. It's my opinion, and opinion of many, that the use of this rezoning, call it whatever you want to call it, and whatever little names you want to put on it and changing the use of this building is my opinion this will have a negative impact on property values in this area. This is a critical key area for the City of Danville and for the recovery of the City of Danville, in my opinion, is a negative impact. I just don't see it in this location. The location in my opinion is wrong with a capital W. I urge you, and the City Council when they hear this, to hear the voice of the people. This is the

type of facility that should be faraway from downtown Danville, River District and the Old West End. The shooting range has no business in this kind of area what so ever.

Dr. Danny Gnewikow, 743 Main Street. Dr. Gnewikow stated I bought the property thirty five years ago. I am opposed as well and basically everything has been said, but my concern is you get a concentration of guns in an area even though most people are very responsible it never rules out a possibility of an altercation between two individuals in a parking lot after they have had target practice. We have had that happen locally at restaurants. It just seems like we are opening up a can of worms and I'm not opposed to guns but all the issues it seems like every time you look in the newspaper another group of people have been shot. Not by good people and not always by bad people but by people that couldn't control their emotions. When you have a concentration of guns even sometimes things happen because the guns happen to be there. The other issue is we recently had a drive by shooting where shots were fired and fortunately no one was injured. We already have too much gun violence here and when you look at Danville and the issues that we are having where kids are killing kids. Guns are in the hands of people that shouldn't have them. If we are going to put a firing range where people are going to learn to shoot better, in an area that is only blocks away from where we are consistently having crime, children shooting children, to me it's an incentive for younger kids to say let me get a gun or let me go to the firing range to be practicing a little. I'm going to do it for the right purposes but putting it into the area that close to the crime areas that we have I think is a big mistake. I am a gun owner and I have taught my son to shoot and I have no objection to it. I think shooting ranges are teaching me how to use a gun appropriately but it needs to be put in the right area and I would certainly object to putting it in the downtown area.

Mr. John Anderson, Director of Epiphany Episcopal Church and I also represent Epiphany Episcopal School at 115 Jefferson Avenue. Mr. Anderson stated we are just within the three hundred foot perimeter that is on your map. It's actually 112 feet from the property edge this map does not reflect that there is a school present in that building. There are children there every day of the week. First of all, let me say that generally speaking I'm not opposed to guns. I am a gun owner as the previous gentleman said. I have had experience with indoor gun ranges. I'm new to the town so I don't know necessarily the facts and laws of the State of Virginia, City or County. It's my understanding that a couple of years ago there was a petition for another gun range very close to the Bonner School which was denied because of the close proximity to the school. I also understand about how close a gun range can be to a school am I correct in that and what is that distance.

Mr. Whitfield stated that is a Federal Law that is not a local law and can't be enforced by the locality.

Mr. Anderson stated but it should be taken into consideration?

Mr. Whitfield stated possibly but that's up to the Commission.

Mr. Petrick asked about the previous application that was approved?

Mr. Whitfield stated yes it was approved by Planning Commission and the City Council.

Mr. Anderson asked was this near Bonner School.

Mr. Whitfield stated it was on Riverside Drive near Bonner School.

Mr. Garrison stated 300 yards touched the boundaries of Bonner. It was nowhere near the school.

Mr. Anderson stated if you will see of the map provided the 300 foot line it is well within the 300 foot marker. I recommend highly that this should be taken into consideration. It's possible that people were not aware that there was a school there. Also, as a technical point that neither the school nor the church received the required notice of item number 6 of the procedure. I did not receive notification of my knowledge.

Jonathan Holbrook, 904 Main Street. Mr. Holbrook stated as far as bringing this into our area I am opposed to any shooting range or gun range or parking changes into the area. This Historic area is doing great as it is and I don't think that this is going to be a benefit to any of us. I would like to say that I'm a gun owner so I'm not opposed to guns. It should be like in my mind something like near the airport or something of that nature it should be in the outlying area of town and not in the middle of town. If you are driving down into the New River District area, the River District sign is directly across from the road where the shooting range will be. If you are driving up the road the shooting range will be the first thing you see when you enter the Millionaire Road. I don't think that any of those are fitting for Danville. My family and I are going to have to move and my daughter asked me just today why would they put that there we walk our dogs past there every day. If it was such a good idea to put that in why wouldn't they put that in Mr. Wilson's neighborhood where he lives if it is such a benefit to have a gun range? Mr. Gentry owns the building, why doesn't he buy a couple of places in Forest Hills and put it over there behind his house if it would be such a great asset to a neighborhood? Because it wouldn't fit, right?

Sonya Ingram, 608 Holbrook Avenue. Ms. Ingram stated I'm not opposed to shooting ranges. I want to put out that my ten year old son is here with me today. He attended Epiphany Episcopal School until this year and when I told him why we were coming he was shocked as a ten year old as why someone would want to put a shooting range in this location so close to his former school. We have a lot of people here and Organizations that have been working today for the River District and the Old West End, it's a great place to live.

Gus Dyer, 119 Fox Hollow Drive. Mr. Dyer stated the main concern that I have with this issue as well is with these folks in this specific neighborhood and they are concerned about this specific location. I'm really concerned about the can of worms that you are opening up because what you are doing you are taking a specific zoning class neighborhood retail commercial. I want to emphasize neighborhood and you are adding this use. I have neighborhood retail commercial across from my house and so what you are doing you are actually affecting me. Now, I wasn't one of the people who received one of the notices in the mail but technically I'm not 300 feet within distance of this specific piece of property but I'm sure Mr. Gillie can contest that there are hundreds of parcels in the City of Danville that are zoned neighborhood retail commercial. You are opening the possibility for all of those piece of properties be used as a gun range. It's Westover, North Main Street it's all over the City and like I say I want to emphasize the neighborhood or neighborhood retail commercial because this use is allowed in highway retail commercial which would be Riverside Drive, Piney Forest Road, 58 East and West. I was here when the Planning Commission and City Council decided this was a proper use for that type of zoning but I think what you are trying to do is a horrible planning by the way to take a specific use and try to cram it into an existing zoning category. Its spots zoning gone mad because what you are doing is

basically spot zoning hundreds of sites all over the City. For this specific use because you have this specific property that you want to allow this use in. I'm not going to argue the merits of rezoning of this property to highway retail commercial, but the appropriate thing to do if you all think this is appropriate use of this piece of property, is to rezone this piece of property highway retail commercial because that is the zoning category already determined this is just appropriate. This is not the appropriate neighborhood for Highway Retail Commercial so this is not going to just apply to the Old West End it's going to apply to pieces of property all over the City of Danville. This is a really bad idea to try to take this specific use and cram it into a zoning category for its zoning. I hope that you all will take this into consideration.

Mrs. Stilwell stated I would like to know is this facility going to be allowed to sell guns on site?

Mr. Searce stated we will get to that when we get to the specific case.

Susan Wilson, 98 Main Street. Mrs. Wilson stated Mr. Dyer, saying that this opens up a can of worms. I was also looking at that thing about reducing parking spaces. I also want to talk because I don't think it has gotten enough attention yet about parking spaces. If you make the rule that you change zoning so that you do not require minimum parking that you allow quite a bit of flexible there could be issues coming up that people are not aware. We are all busy with things to do and we always don't know the little details. If you make it more flexible with the parking regulations then it could really have an adverse effect on lots of us. When you talk about Economic Development and how to attract companies you're not thinking about the whole company the whole recruit. I came to Danville with my husband and we made the decision together that Danville had community and we live in the Old West End and we love it. We have worked very hard over the fourteen years that we have lived here to make it a better place. We have bought into the dream and we have sold the dream and literally sold the dream. I am saying that a shooting range and making a change in this direction is not just sending the wrong message that someone is looking for a job and says no I'm not moving there. You are changing the substance of the dream that we bought into. I encourage all of you not to change the zoning so that those of us who are passionate, who have earned the right to speak about our passion, because we have put our blood, sweat, tears and lots of cash into this.

Mr. Barrett stated the one thing that has come up here today to me brings back the whole thing. I say this to the realtors who are involved in the sale of this property, does the man who is buying the property and who is going to run the gun range know that it is against federal law, City Attorney, to operate this facility within the x number of feet of a school? Has that been disclosed to the purchaser properly?

Mr. Whitfield stated that is not exactly correct.

Mr. Barrett stated that is what you said.

Mr. Whitfield stated that is not what I said. What somebody asked is if there are any laws because of the property that the gun range will be on private property and not the property of the school then that would create the issue of gun free zoning. The Virginia Law does not allow you to enforce that law or any gun laws because we are an open carry State.

Mr. Barrett stated not being an attorney I have a hard time interpreting all of that

Mr. Anderson stated this is a follow up to that follow up. So you are saying that Federal Law in the gun free zone states that gun ranges can't be within 150 feet of the school is that correct?

Mr. Whitfield stated a gun range that is on private property never comes under the provisions of the gun free zone act. I have done extensive research and I have a memo right here that spells it all out and even though it's a Federal Law, it can't be enforced by Virginia Law.

Mr. Anderson stated so If I'm on my private property within 150 feet of the school and again it's a open carry State, I can walk around my front yard with a side arm and it would be legal?

Mr. Whitfield stated yes.

Mr. Anderson stated it's legal but is it wise?

Mr. Whitfield stated that's not my determination.

Mr. Anderson stated is it wise? There are laws and then there are gray areas. I spend my life living in the gray areas. So, just because something is legal doesn't make it right. I would look to each of you gentleman to consider that consciously on your conscious do we really want to approve such a thing when it requires special use permit..

Kate Trepass, 130 Holbrook Avenue. Ms. Trepass stated I really appreciate what everybody has said today and I really can't add to that. Where is Economic Development today? I would think that they would have serious concern. They have spent so much time and money developing River District and there is talk about development of White Mill. They're excited about the expansion that we have in all of those areas. I really think this is totally in opposition to what they are trying to do. They are part of you guys and why aren't they here? Why aren't they being included in all of this? Not to mention this is totally inappropriate for a business like this. Why would you want anything like that close to a school?

Garland Lewis, 244 Grove Park Circle. Mr. Lewis stated I have been to many gun ranges and you need to think about this. Most gun ranges their main road is extreme as having automatic weapons to rent to fire. This is not needed in this area where it is being proposed at all and automatic weapons is not needed anywhere but the military. I was a member of the Marine Corps. Please protect our children, our property values, our values as a City and do not let this happen. I'm very upset that this even got this far and if someone wants to have a gun range that is fine. Have it on the outskirts of the City. The Police have their range. Please, no one wants this.

Mr. Searce closed the Public Hearing.

**Mr. Wilson made a recommendation of approval of the code amendment Article 8 entitle "parking and Loading Requirements" to allow for reductions of parking space**

**requirements. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.**

Mr. Garrison stated and seconded I would like to say that I asked this to be brought to the Planning Commission for consideration. It does give us some flexibility in a residential neighborhood, but it was not intended to give us flexibility for the downtown area because there are some instances where downtown parking is not given consideration. This was typically to give us the flexibility to look at one of the cases that we have before us today. They have efficient parking however, that parking is not paved parking and I brought this issue to allow us to discuss that, to allow these people to do what they want to do which is a better use than what is already approved in zoning.

Mr. Dyer stated can you please explain what you are doing please?

Mrs. Stilwell stated we can't understand what you are doing?

Mr. Dyer stated why are you doing that?

Mr. Garrison stated I just thought I would explained that.

Mr. Dyer stated I think the people would like to know why this is being tabled.

Mr. Searce stated we are still discussing and we haven't tabled anything yet.

**Mr. Garrison made a recommendation to table the zoning changes for Article 3.J, Section C to add Item 22 to later in this meeting. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.**

*2. Special Use Permit application PLSUP201800000264, filed by Jason Wilson, on behalf of Piedmont Lands of Virginia LLC, requesting a Special Use Permit to operate an indoor shooting range in accordance with for Article 3.J, Section C, Item 22 of the Code of the City of Danville, Virginia, 1986, as amended at 750 Main St, otherwise known as Grid 1716, Block 006, Parcel 000035 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor shooting range facility including a retail area and classrooms.*

Mr. Searce opened the Public Hearing.

Mr. Jason Wilson, I am the applicant. Mr. Wilson stated I have lived twenty years in Danville and over that time the reason we started looking into opening up a gun range there is a lack of training education. I understand that this is a hot topic and lots of people have some very strong opinions about firearms and public safety. Unfortunately, no matter what side you fall on we can't change the laws regarding firearms. We can provide a place where we can give adequate training and education, to as many people as possible, to safely and effectively own and operate firearms. I understand all the questions that have risen today and I think I have answers for all of them. What I am hearing this afternoon are concerns about parking and the location downtown. There are only going to be eight lanes so we are going to be a small range without a lot of traffic coming in and out, except probably on the weekends when we will be offering training classes. There will be more available parking there on the weekends. Another issue, why choose the downtown area? The YWCA has been vacant for a very long time and I'm sure you can find a lot of uses for it, but it is perfect for what we

need. There are multiple classrooms already set up and there is a good size pool downstairs that we are going to lay concrete on top of that. I have a range contractor here Rick Shields from Action Target. They will be leading the range installation for us. They are one of the leading ranges in the Country. We have presentations for you and documents for you and you are welcome to look at. They are about safety, sound and air filtrations.

Mr. Petrick stated can you address the issue about proximity to schools?

Mr. Jason Wilson stated my niece, one of my favorite people in the world goes to school at Episcopal Epiphany School, so I understand. A focus of our range will also be on training law enforcement, military members so this is not a place that will not be contained. All the shooting will be inside and will become one of the safest areas in town. We have talked to a number of officers in the police department and they are very excited to be able to use the facility more easily than the current one that they use. It is climate dependent and they don't have anywhere else to go. We are going to have membership tiers for law enforcement and military.

Mr. Wilson stated there seems to be a lot of detail that we don't have at this point.

Mr. Jason Wilson stated we have a brochure of how the bullet trap works.

Mr. Wilson stated one of the difficulties that we have oftentimes getting information right now and the process of time so we can't stop and look at brochures now. Frank Shields can answer any questions you may have like how safe it is and how the sound will be and how you will not be able to hear anything in the parking lot. Why this facility?

Mr. Jason Wilson stated it's pretty hard to find a facility that is suitable for this. We found a property that we felt provided everything that we need in a huge area that we can use as the range and multiple class rooms that we can train in. We would sell firearms and accessories.

Mr. Rick Shields from Action Target. Mr. Shields stated we are a designer, manufacturer, and installer of shooting range equipment. We have been in business for over thirty years and have built thousands of shooting ranges around the country. I have a book that shows some of the ranges that we have built around the world. Some of them in Virginia are used by the FBI and Navy Seal. I have worked with Mr. Wilson in the design of this shooting range. I can confirm that it is designed to the most safest and modern standards. Do you have any questions?

Mr. Mike Searce asked for elaboration with on how, for the sake of the people here today, how people will be coming and going from the facility? How they will be carrying the weapons and how the neighborhood can feel safe?

Mr. Shields stated as far as carrying firearms from the facility, which is something for the business owner to regulate. They must ensure that people are carrying guns in cases. They are not going to be open and carry guns to and from the facility. We design so that no rounds will ever escape the building. We built the system out of armor and steel. It is bullet proof steel. We have this steel also around the ceiling.

Mr. Dyer stated I just want a point of order because you are asking us to evaluate something that hasn't been approved by the code. This ordinance would allow a special use



permit for a gun range and yet the code, as it stands right now, does not allow for a special use permit. So, my question is can the ordinance that we discussed earlier can it be modified?

Mr. Mike Searce stated yes.

Mr. Dyer stated so all we know is what we have been told by the existing code changes. So, given that there is no way that you can evaluate this you can't give these people the correct opportunity to speak on this issue when they don't really know what the issue is. As a point of order I think you are out of order and I don't see how this issue can be determined without first determining the original.

Mr. Searce stated we will have to vote on the first issue first. We did it this way to get more information or input.

Mr. Dyer stated what I am saying is that first issue can be modified. So, we were all here speaking about the first. So, if you modified that will you have another public hearing about that?

Mr. Searce stated we are going to do it all in one day.

Mr. Dyer stated if you change the wording to the current code modification will you have a second public hearing for that?

Mr. Whitfield stated we have had the public hearing on that.

Mr. Dyer stated but under the current verbiage if you change that substantially or whatever will there be a second public hearing?

Mr. Searce stated we are not talking about a second hearing.

Mr. Dyer stated on the amendment to change the code to allow special use permit.

Mr. Whitfield stated we don't have to change the wording.

Mr. Dyer stated what I'm saying is, is that a possibility?

Mr. Searce stated if we do we will do it, but we don't have to. The request has not been changed.

Mr. Anderson stated I have a couple of questions for Mr. Wilson. If I heard you correctly you indicated that when you were looking for this piece of property you had in mind already a gun range. Is that right? From whom was the property purchase? The board did not profit that owned the YWCA? If it was owned by a nonprofit at one point then I think the Federal Code does apply if it was purchased directly by Mr. Wilson from a nonprofit.

Mr. Searce stated it will be purchased by Mr. Wilson from an individual person.

Mrs. Stilwell stated I want to know more about sales of guns on Main Street in a residential neighborhood. How can that be allowed to happen there? That is not a safe thing because of people going in and out I don't know what kind of background checks they will do and

they will be coming out of that facility with guns. Will they be loaded? Who will know? It is a terrifying thought and I mean even here at City Hall you are not that far away from a facility where they are bringing guns into a residential and business situation. I'm glad that I live on Craghead Street at least I'm a little bit further away.

Mr. Jason Wilson stated in an ordinance of Federal Law I am currently the holder of seven Federal Law Licenses. All my businesses sell firearms and a complete background check is done on every gun purchase that is sold. There is a mandated Federal Form 4473 that is done on every individual at the time of a purchase of a firearm. They have to do a background check and get approval from the State Police before they can take possession of the gun.

Mr. Steve Wilson stated there are a couple of things that I want to speak about. The planning of wherever this came from was pretty well kept a secret until a few days ago. I made copies of this stuff, it was in the newspaper, which I finally found this morning. The City Manager didn't know about it and the Chief of Police doesn't know about it. Even though I think Mr. Whitfield probably had forgotten about it. A lot of people were surprised including residents. So, this item in the newspaper says nothing about selling guns on Main Street. It does not say anything about selling guns. Put a gun range and gun shop just because someone told me they were going to have a shop, so I'm glad that someone actually came forward and said it out in public that, I'm quoting him, "Going to sell guns on Main Street" a couple of blocks from here. So that is actually a good piece of information. What I wanted to say is that our new Chief of Police, who had been working to try to help bring Danville together beside Economic Development having fostering a gun range in this neighborhood within a couple of miles of efficient Churches. If you guys approve a gun range here before the City Council Meeting it's going to be a difficult time for those folks. Someone mentioned tabling it, I would like this whole conversation really spend a few more months thinking about it because I think this last minute planning on your feet is not going to work very well. We should not have a gun range on Main Street. All of two thousand people living downtown in River District are going to be astonished about it like most people who heard about it this week.

Mrs. Richardson stated I just want to say there are children in these schools running all from Ballou Park to Schoolfield through the Old West End. Teenage children can you imagine that on Sunday you can circle any block on Main Street. This area is coming back and I just don't understand for the life of me why somebody thinks a gun range and selling guns fit in that neighborhood. There are a lot of locations and I don't mean to preach it seems like something is awful wrong to want to put a gun range up there next to a church.

Mrs. Wilson stated I would like to question a couple of things that were just said by Mr. Jason Wilson. He expects most of his business to be on the weekends when that's not a busy area. I would bring to his attention there is a church across the street and it is a busy area on the weekends. I would bring to his attention numerous people in the audience that said they walk the area every day of the week. This is a place where people walk down to look at the pretty houses and they continue to walk along the street. It is heavily used all the time and it is not ever a place where it is going to be appropriate to have a huge amount of traffic. This is not good for Danville and this is not good for Main Street and it's not good for the Court Yard from the River District through the Old West End to Averett University. It's not good for any of those things.

Liz Russell, 132 Holbrook Avenue. Ms. Russell stated I'm not against guns when I turned sixteen my dad taught me how to shoot a gun and change a tire for safety. I didn't come back to Danville to worry about a shooting range. My husband walks our dog every morning. I remember when the YWCA had a camp and I was a counselor. I was in charge of driving the children in the van and coming back and unloading in that tiny parking lot so I know how tight it is. I'm concerned about parking and my daughter is in the tenth grade at Galeo she runs cross country and she runs up and down this street. Now track will be running up and down Main Street and I couldn't leave today without asking you to consider the children and the safety that's all.

Mr. Searce closed the Public Hearing.

Mr. Gillie stated the reason being remember we put it initially we had our request highway retail. We didn't have it period in the City. We did not allow shooting ranges period within the City limits. So, two years ago, we had someone ask and it was an interesting concept so they came and asked to do it highway retail. So I said that this may be possible but we will do it by special use permit, this is the reason that we are here today. We notify all the property owners and tell them hey this is what's going on to see whether you think it is appropriate for that area. It was approved by Planning Commission and City Council placed in there but the previous case, after much debate was granted the special use permit to allow construction on Riverside, but it did not occur. Someone came in about this site this is a neighborhood commercial block and they have asked to modify the code to allow it. Again, staff's interested in allowing different types of uses, but we felt the only way to do it would be to by special use permit and just for the reason we are here to notify all property owners. Hey this is what's potentially going to go in this area what does the neighborhood think. Now, as Mr. Dyer said before this will be a City wide code change and it doesn't just effect this piece of property. If a special use permit is granted that goes with this particular property, but anything that is neighborhood commercial can have this option and it is only a option and it doesn't open it up and say every neighborhood commercial property is going to have a shooting range. They will have to have a public hearing and we have to go through the neighbors, Planning Commission and City Council. We felt neighborhood commercial allows multi-uses this could possibly be one if it went through the proper process. That is why our recommendation and that is why we thought that we should support it. Retail sales are in both districts and everyone said they would not like to see a gun store open up, but Mr. Wilson could open up one tomorrow and say I'm not going to do a shooting range and ask to open a gun store and we would allow him to because that is a use permit allowed by right in that district.

Mr. Wilson stated can you just clarify something for me, in the past we have had spot zoning destinations. Is this not considered as spot zoning?

Mr. Gillie stated we're not changing the zoning so there is no spot zoning. This is a neighborhood commercial block the use is by special use permit. So, you don't spot special use permit something. Special use permit recognizes that it may or may not be appropriate depending on the public hearings that are held from Planning Commission to City Council that's why there is nothing in there that says this is spot zoning we are not changing the zoning we are amending the zoning code but that amendment is not specific to this property it's a City wide amendment.

Mr. Johnson stated for clarification on what spot zoning is when you have something zoned completely separate and different from everything else around it. If we were to rezone it to Highway Retail Commercial, that would be spot zoning.

Mr. Wilson stated one more question, no matter what we decide here even if we were to deny the request, does it go to City Council no matter what?

Mr. Gillie stated at the moment it won't go anywhere because you have not recommended anything on the code change but to table it. So, that is being held at the moment so if you decide not to pull it off the table it just stays at this point for next month's meeting the same thing will have to occur for the special use permit application, because it can't go forward without the code change. Now, if you recommend denial on both, then it still goes to City Council just with your recommendation to be denied.

Mr. Petrick asked if Law enforcement, the Chief, or anyone was consulted in the consideration?

Mr. Gillie stated at this point they are aware of it but it has to make it through this body and the code has to be changed first, then City Council has to approve and then there are some administrative things that would have to occur. This was the first step to just get the ball rolling to allow this to occur.

Mr. Garrison stated I have another question, are there any parking spaces on this property?

Mr. Johnson stated there are twenty one spaces.

**Mr Garrison made a motion that we bring off the table Article 3.J, Section C, Item 22. Mr. Petrick seconded the motion. The motion was approved by a 6-0 vote.**

**Mr. Wilson made a motion to deny the request to add neighborhood commercial Item 22 to neighborhood commercial. Mr. Jones seconded the motion. The motion was denied by a 3-3.**

**Mr. Wilson made a motion to deny the request. Mr. Jones seconded the motion. The motion was denied by a 6-0.**

- 3. Special Use Permit application PLSUP20180000229, filed by William C. Doss requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 327 W Main St, otherwise known as Grid 1719, Block 022, Parcel 000023. The applicant is proposing to operate a bed and breakfast.*

Mr. Searce opened the Public Hearing.

Mr. William Doss, 327 West Main Street. Mr. Doss stated I think you are going to hear from some of my neighbors who are opposed to a concept of a commercial public accommodation in my neighborhood. Let me start out by saying I agree 100 percent. I too am opposed to a commercial public accommodations in my neighborhood. (Prepared speech in included).

I was policed by the best consumer regulatory system in the world. Every guest does a review after every stay. Reviews are based on customer service, accuracy on the website, and even parking. If anything is sub-par –including parking – reviews will reflect that. With a single bad review, a host will lose guests. With a couple of bad reviews, a host can get kicked off the network. Lousy parking would mean lousy reviews.

This review system provides an immediate, consistent self-policing mechanism. Successful hosts are those who self-regulate based what could happen after unfavorable guest reviews – including parking. I could not have been doing this without easy, accessible parking. Parking was never an issue for my guests. You can see from the letters sent to you, parking was never an issue for my immediate neighbors – those who live close enough to know the situation.

Aside from the review system for ALL Airbnb offerings, Airbnb options are vastly different and distinctly classified – from commercial accommodations to private home-sharing. Guests can choose a commercial facility or private homes. They can see that difference. The City of Danville and some of my neighbors may equate home-sharing with commercial innkeeping, but that's not how everyone sees it.

Home-sharing and Airbnb are NOT synonymous terms. Airbnb is a membership network that facilitates both home-sharing and a range of other accommodations. Not everybody who offers accommodations on the Airbnb network engages in home-sharing. There are castles to rent, hotels, apartments, commercial BnBs – or a room in someone's private home.

Some Airbnb members want a full-service commercial facility or an entire apartment, and some want the experience of private home-

sharing. Home-sharing offers the most potential to improve the lot of seniors and of the deteriorating housing stock in Danville.

The senior citizen who rents a bedroom in her home is NOT the real estate investor who bought a condo to rent on Airbnb. Most home sharers are people who simply have an extra room to share in their homes. They're people who respect their neighborhoods and want to preserve the quality of their neighborhoods.

The senior who has an extra bedroom might get enough guests to afford the help in her home that will allow her to remain in her home and live a more independent life.

That distinction between home-sharing and commercial accommodations is one that thousands of municipalities recognize in their regulations. The insurance industry, also makes that distinction. A commercial innkeepers policy is NOT required for simple home-sharing. For example, Allstate has a simple rider that can be added to a homeowners policy for home sharing.

The insurance industry and many municipalities have taken the same approach to home-sharing that they've taken to other segments of the shared resource economy, such as ride-sharing. When someone signs up on an internet-based ride-sharing network and then transports fellow commuters in a car-pool, they don't have to become licensed taxi operators or acquire commercial taxi policies for their vehicles – just as you don't have to have a commercial innkeepers policy for home-sharing.

The shared resource economy is growing exponentially, even if it's unknown in Danville. It's not just home-sharing and ride sharing because the point of the shared economy is sustainability – using resources more effectively and efficiently.

Ride-sharing is well known because there are car-pool networks across the country. But there are networks for other forms of



resource sharing <sup>people</sup> ~~that some of my neighbors might want to ban as commercial enterprises~~. I can rent out the password for my Wifi to nearby neighbors through Fon. I can rent my lawn equipment, cameras, or other home equipment on SnapGoods. Liquid is for renting your bicycles. GetAround is for peer-to-peer car sharing.

For shipping, there's roadie.com. Almost 100,000 Americans have signed up as drivers for roadie – regular people who are willing to take an item when they drive from place to place – the website says anything from cupcakes to couches. Some forward-thinking cities have given roadie and Airbnb awards for sustainability.

And if you don't need to charge your home-share guests a fee, couchsuring.com is an alternative to Airbnb. In lieu of a fee, maybe your guests will take you out to dinner; in any event, you'll have a place to stay when you visit them in Montreal, Montenegro, or Montana. Couchsurfing.com avoids the issue of being commercial.

Resource sharing is growing exponentially -- maybe not in Danville. But composting and recycling aren't yet mainstream in Danville.

**Based on hours of research I've done, there is not a single neighborhood in this country or in the world where home-sharing in private homes has led to any commercialization of residential neighborhoods in any form at all whatsoever. None.**

Contrary to another assertion, I'm not turning my home into a multi-family home. I'm sharing an extra bedroom with visitors from out-of-town. Danville is not losing another single-family home.

To the contrary, the many homes on my street that are sitting empty, languishing on the market, continuing to deteriorate – those are the homes that are lost from the single-family housing stock. Just last week, a couple down the street abandoned another single-family home – walked away from their mortgage, leaving it to foreclosure.

Their home – like mine – was the victim of so much deferred maintenance that they just couldn't afford to continue to living in it.

A contractor who was doing work on my house had an interesting interaction with one of my neighbors who saw on the contractor's truck that he did roofing. The neighbor asked him to come over and give him a price to do some patching on his roof. After looking into it, this contractor said he wouldn't do any patching on that roof at any price because what was needed was a new roof. The neighbor responded that he wasn't going to pay for a new roof because he intended to sell the house. This is what happens. Maintenance responsibilities are kicked down the road. Will his roof patches mask the underlying problems? What problems will the new owner be acquiring? Would the house even sell if potential buyers knew any of this?

At any given time, a sad percentage of single-family homes in Danville has been deteriorating on the market for months. A better real estate market would mean a better tax base and better schools.

**It does not improve** the value of our neighborhood to have multiple homes languishing on the market for months and even years – continuing to deteriorate. If home sharing provides a tool for people to restore deteriorating homes, it's an **improvement** to the neighborhood and a boon to Danville's economy.

The tourists who choose home-stays are also a boon to our city. Who are these visitors who choose home sharing? My guests included parents bringing a child to visit Averett. Most were business people: a Canadian doctor, a businesswoman from India who owns property in Danville, a cardiology professor from Duke, a Mexican business executive, a member of the Swedish parliament -- people who could afford any commercial accommodation – but they choose home-sharing in private homes.



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We should welcome these visitors to Danville – visitors who dislike commercial accommodations – visitors who want to stay with locals. Staying in someone's home may seem odd to people in Danville, but it's a growing segment of the tourism industry. Danville should welcome those visitors. We shouldn't say: "Our neighborhoods don't allow this, but you can find something in Martinsville or South Boston when you're in this area."

I think it's unfortunate that Danville defines home-sharing the same as a commercial, full service, public accommodation. But those are the rules, and I've applied for the proper permission in order to play by the rules. I have regular guests whom I've gotten to know and like, and I'm currently allowing them to stay for free when they come to town. Home sharing, like ride sharing and other forms of the resource sharing economy is the right thing to do.

Couchsurfing.com, because it's **unpaid** home sharing, won't bring in the financial help I need to restore my badly neglected home, but if neighborhoods want to ban **paid** home-sharing, at least couchsurfing.com will provide an option to Danville citizens who believe in the future of the resource sharing economy.

Three commuters paying a fourth to drive them to work – we don't classify that as a commercial taxi. We don't prohibit it in certain neighborhoods. Instead, we promote ride sharing as a public good. While some people look at home sharing as a problem to be banned, I see a public good that needs to be promoted – just like ride-sharing and the rest of the growing shared resource economy.

I would be grateful if you would approve my application.

Mr. Garrison stated Mr. Doss special use permit application, according to the staff recommendation, the facility shall use no more than two guest rooms and only one guest car at a time. Are you okay with that?

Mr. Doss stated that is what I discussed with Bryce and I'm absolutely happy and I've never had any more than one room.

Mr. Garrison stated and you have room for two cars in your drive way?

Mr. Doss stated yes I have room to put five cars in my drive way.

Mr. Wilson stated this is an altered request from the last time.

Mr. Doss stated yes.

Mr. Wilson stated in what way?

Mr. Doss stated I had permission under the previous request to do banquets and I told him to take that off the table. Previously, it was three guest and three rooms.

Mr. Johnson stated for clarification the changes are to the recommended conditions. The application itself is still the same. The changes to the recommendations are based on a prior discussion with you all and some further discussion with Mr. Doss.

Mr. Doss stated I'm basically trying to put as many restrictions in as I could and eliminate some of these objections.

Mr. Searce stated the code doesn't talk about sharing the house.

Mr. Johnson stated no.

Mr. Doss stated some cities define it differently and it is handled differently in different places. Some Cities promote it. They use seminars for seniors and home buyers to use it as a tool.

Ms. Ena Dixon, 333 West Main Street. Ms. Dixon stated I am Mr. Doss's immediate neighbor. I just want to speak on his behalf and as someone that has used airbnb in multiple cities across the Country and as some who is a big opponent of making Danville a more inclusive welcoming place. I have seen firsthand how Mr. Doss has welcomed folks into his home and shown them around Danville and told them all the good places to go. I had a friend to stay with him this past summer and he wanted to stay in town and see the Historic District that we have in Danville. Mr. Doss is a "super host" on airbnb and there is a reason that he has that title and I can contest to him being pretty super.

Mr. Bill Donahue, 307 West Main Street. Mr. Donahue stated I do have a petition with twenty one signatures here from the neighborhood opposed. However, we were unaware of recommendations that the staff had made regarding and restricting the operation of the Bed and Breakfast. I would also say this, when we look at the surrounding properties those that are in favor are rental properties. So, those folks don't really have a stake in the property values associated with those of us that live in and, just like Mr. Doss, that try to maintain our homes and try to hopefully have a reasonable appreciation. However, we were very

concerned about something that was going to lead to much additional congestion. We can call it home sharing, but it's not home sharing folks. It's a commercial impact and I do appreciate the restrictions that you have all put forward in terms of no banquet facility, and as well as restricting the parking and reduction in terms of the number of bedrooms that can be utilized.

Mr. Wilson stated there are names on your opposed list that are on the not opposed list that we have.

Mr. Donahue stated that is correct, that was because those individuals first off had no idea the banquet facility was being proposed so, when they were informed of that, we were informed of it at the last meeting, then they were opposed.

Mr. Mike Searce stated so they changed their mind.

Mr. Donahue stated absolutely they changed their mind after they were informed. The written notice that went out made no mention of the use of banquet facility. Also, one third of the individuals that I spoke with did not receive a notification and only learned of the issue by a word of mouth. I thought you ought to know that.

Mr. Wilson stated given the fact that Mr. Doss has made these changes from our last discussion and now cars will be in the driveway. Does that change your concerns?

Mr. Donahue stated I would have to say that it certainly reduces my concern and I appreciate it, but I can only speak of myself. I would say from process perspective I think if we had been notified of the changes that had been proposed by the Planning Team that would have certainly made us more informed.

Mr. Ed Walker, 333 West Main Street. Mr. Walker stated I have, through my work, a lot of history with this sort of preservation in neighborhood revitalization. I have to tell you that I think that you are fortunate to have Mr. Doss in this community. I thought the explanation that he just gave you was one of the most cogent and comprehensive that I have heard. He covered a lot of the bases beautifully far better than I could. This is a relatively recent purchase we are nextdoor neighbors to him and he has always been a spectacular neighbor, and he has run his home sharing beautifully. I think he is a great ambassador for Danville. It is very hard to fall in love with this City from 58 West. To be clear, before we purchased this house, I was aware of what he was doing and it did not bother me for a moment and it didn't cross my mind. I think as you see, home sharing and community cooperation is that sort of stuff growing around the Country. I see this work as a tremendous benefit to the neighborhood and to our street. I haven't had the first issue with parking or anything like that and simply don't see anything to be afraid of. I think that Mr. Doss deserves your support.

Mr. Robert Weir, 349 West Main Street. Mr. Weir stated you have my letter and my wife's letter. I won't bother reading the letter but we responded to Mr. Doss's letter that he sent out to all the people within 300 feet. What concerns us a lot is all the medical conditions that Mr. Doss has, so that leads us to be informed that he is going to have help. There is no way that he can run a B&B with this kind of medical problems. We are talking about the parking issue again. There is a problem with parking, especially Monday through Friday, when the students are parking on Main Street. We are concerned about the spread of commercialism and I disagree strongly with Mr. Doss's statement that no commercial activity comes from

B&B. We live in a residential area. Long term rentals and ownership and now we are going to have people here for a day or two it concerns us greatly. We strongly recommend that you deny this request.

Mr. Fred Shanks, 345 West Main Street. Mr. Shanks stated the elimination of the banquet facility does make a difference and limited to two guest and one vehicle does make a difference. I still do have issues and I just want you to know that some people and I look at West Main Street as an investment for the future. I do want to say that parking is an issue and when I go home at lunch time, and at the end of the day, and getting a parking space is difficult.

Mr. Searce closed the Public Hearing.

Mr. Jones stated a question for staff, I wasn't here last month but from the minutes there was a lot of questions about parking by permit sign. What is the status of that? Can anybody park in that spot and is it enforced by the City?

Mr. Johnson stated the signs are still up but to the best of our knowledge it is not currently being enforced.

Mr. Petrick asked did City Council ever address this?

Mr. Johnson stated not that we are aware of.

Mr. Wilson stated I wanted to give this one some time to be neighborly and it is concerns that neighbors will have. I think the things that Mr. Doss has changed has certainly moved the issue about parking, and I don't see why we shouldn't go forward. I think there is a neighborly way to handle something where everybody is concerned about the goodness of their neighborhood. I understand about the neighbors wanting to contain character in the area but I also know this is something that we are seeing everywhere about this mixed use of facilities and it can be done random. One of the things that I am concerned about, doing it case by case, is that it gets away from us. There is no overall plan or thought.

Mr. Garrison stated there seems to be concern about commercialism and becoming a commercial area. Could we add a fifth stipulation that there be no signage?

Mr. Doss stated never had a sign and don't intend to have a sign and I don't do advertising, none of them.

Mr. Garrison stated if that would help the neighbors feel better we could add that stipulation that no signage should be allowed.

**Mr. Petrick made a motion that we approve Special Use Permit application PLSUP20180000229 with all conditions recommended by staff and with the condition of no visible signage. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

4. *Special Use Permit application PLSUP20180000255, filed by River City Auction Co., on behalf of Sellers Brothers Inc., requesting a Special Use Permit to operate an auction establishment in accordance with Article 3.M, Section C, Item 1 of the*

*Code of the City of Danville, Virginia, 1986, as amended at 2179 South Boston Rd, otherwise known as Grid 4719, Block 005, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an auction house.*

Mr. Searce opened the Public Hearing.

Mrs. Rita Smith, River City Auction. Mrs. Smith stated that Mr. Sellers spoke at the meeting in October and he is not able to do any paving at this time. He was unable to be here today and he is on a job site not in this area. No paving will be done. It's just a simple matter of sixty thousand dollars basically to do what we spoke about the driveway and connecting the parking spaces. So, if that is a requirement then I will perhaps have to find a location in the County for my business, which will be difficult.

Mr. Garrison stated there are other paved parking spaces that are on the edge of that lot, which is actually in the County. Am I correct, in front of his business?

Mrs. Smith stated you are correct and Mr. Seller's I believe he told you all, as well as he told me that we are welcome to use those spaces.

Mr. Garrison stated I knew that he told me but I didn't realize that he had told that publicly.

Mr. Wilson stated the building that we are talking about on that property, that will be used for the Auction is as you drive in it's immediately to your right?

Mrs. Smith stated it's a gray building and it is on the left.

Mr. Wilson stated it's a huge area there.

Mrs. Smith stated it's a very good area and it's very clean and pleasing. There will not be junk, cars or dump trucks on site. It's an office type of auctions.

Mr. Searce stated the reason that we thought about changing the parking requirement is to address this situation to allow them to use the existing paved parking that they have adjacent to it. You have in here if they provide thirteen parking spaces adjacent to it. Is that efficient?

Mr. Johnson stated if it meets the criteria of the zoning ordinances regarding the parking ordinances of being paved.

Mr. Searce stated the parking is paved now down below.

Mrs. Smith stated down below is paving but most of it is crush and run.

Mr. Jones stated item number 2 is that a requirement because you have it as a recommendation?

Mr. Johnson stated as far as a parking requirement, yes. When parking is provided it is required to connect to the public right away.

Mr. Johnson stated that is what was passed there were certain conditions for when Planning Commission could waive the requirements.

Mr. Gillie stated you asked staff to bring you a recommendation on how to change parking requirements and staff did that. Staff does not support that in this case. There are options available for him to provide a parking similar to every other property in the City and she said Mr. Seller's just doesn't want to comply with regulations. Planning Commission can waive it but staff is not in favor of that.

Mr. Searce stated we could waive it and allow crush and run in the parking lot.

Mr. Gillie stated only for industrial operations that have heavy trucks and other things like that. This is an auction facility. This is not that criteria. This is not industrial operations.

Mr. Garrison stated there are heavy trucks going in and out of that facility.

Mr. Gillie stated there are heavy trucks that go in every facility anybody has loading and unloading: Dicks, Target, and Walmart, all of those and they are still paved lots. To us this is not a special case and if Planning Commission sees it different then that is fine, staff is just making their recommendations based on the situation that we see and everywhere else. There are options available and has a site that can do it but we can't accommodate it. Mr. Seller's just chooses not to because he feels that it is an expense he doesn't want to bear. We can work with the applicant in finding other sites that are available in the City that comply with the parking requirements. We have done what you have asked and presented to you and staff just stands by its recommendation.

Mr. Wilson stated so have you all discussed other sites?

Mrs. Smith stated I have been looking for appropriate auction site for two years. There are lots of empty buildings in the City and County. Location is important to me and the size of the facility. There are so many things that come into play when you want to open up an auction. Just any building will not do. Lots of buildings have multiple rooms. You need open spaces and high ceilings. It's a needle in a hay stack.

Mr. Wilson stated what precedent does this set?

Mr. Johnson stated that was for the conditions when parking spaces requirements were being reduced or waive. We were trying to make sure any precedent was being carefully considered for the future earlier since the code amendments were considered jointly, we didn't focus as much on those. I can read thru them again if you would like.

Mr. Searce stated why don't you do that.

Mr. Johnson read:

1. The City Planning Commission may waive or reduce the number of required parking spaces when the following conditions have been met:

- a. The applicant is able to demonstrate fewer spaces are required because the current or proposed use does not warrant the required spaces, or the required parking will be provided elsewhere;
- b. ADA requirements are fully satisfied;
- c. The provisions of Article 8 of the Zoning Ordinance shall apply to any and all off-site parking which may be expected to be used in place of the required on-site parking;
- d. The absence or reduction of parking spaces shall not cause any adverse impact on surrounding properties;
- e. The applicant is able to demonstrate that the property was acquired in good faith, and the request is not based on any hardship created by the applicant or property owner;
- f. The applicant or property owner complies with any additional conditions the City Planning Commission deems appropriate at the time it chooses to waive or reduce the number of required off-street parking spaces.

Mr. Searce stated what about just changing the surfaces when we talk about parking as far as asphalt parking. I think there is adequate parking there, as far as space, just not paved. Why can't we, just because its edged up to the County, give them permission to use other material rather than paving?

Mr. Johnson stated you could waive or reduce parking requirements or add that as a condition. The code amendment that needs a recommendation so that City Council adopt .It does allow you to attach conditions. We didn't recommend it because other Cities and Counties that we had looked at typically don't consider nature of the material to be used. They mainly look at the number of spaces.

Mr. Searce stated the reason that we said that would be cost.

Mr. Johnson stated typically the municipalities are considering reducing the parking requirements. Cost can be a factor, but a lot of time we end of with excess parking.

Mr. Gillie stated under Article 8 section B 6C you are allowed to waive spaces 6 or less anything that is more than six it has to be asphalt or other. Otherwise we are going to have everybody come in and ask for every parking lot to put stone down because it is an expense, we're not disputing that asphalt is an expense, but storm water control and other things is the purpose behind this. Small lots we do give you that waiver and large lots we don't. It's straight numbers. This requires x number of spaces and they're supposed to be paved according to the code. Mr. Seller's doesn't want to comply with that.

Mr. Searce stated so the nature of the business still remains.

Mr. Wilson stated that this particular case is unique to me and we have dealt with difficult cases already today. It's weird because this one seems more of a brain puzzle to me. There is plenty of room and it's a Friday and Saturday operation. It's very limited and plenty of room out there.

Mr. Gillie stated the concern that staff has you said it is a two day operation. Mr. Wilson as you know how often are church's used? Most of them are Sunday and Wednesday and one of the biggest expenses in church construction is the requirements of paved parking. So, we are concerned that now this could lead to a snowball effect and folks could say well they

didn't have to do it but why do I? Now, if you want to start and eliminate paved parking here for the City or grant each individual case by case, if someone comes in. I think we are going to get inundated with cases if people come in and say well you can ask Planning Commission not to pave it for the limited amount of money that it is going to cost to ask versus the \$60,000 that Mr. Seller's said that it was going to cost.

Mrs. Smith stated it's not just that it's the heavy trucks that is coming in and out and the paving doesn't hold up.

Mr. Gillie stated they make a heavy duty pavement, look at Walmart and the mall. Everyone receives heavy trucks. There are ways to address the situation. This is your call but we are not recommending this one.

Mr. Garrison stated what I would like to point out this is on the entranceway into the City on 58 East, and we heard someone talking about the entranceway on 58 earlier. The area is a nice area and it is a nice looking building. There are other things that could go in this building without a special use permit. They would be worse to have on the edge of the City as you are coming into town. I don't see why this to me is a different case that most anything else that has come along. That was the reason that I asked for the parking.

Mr. Jones stated would you consider making it a shooting range?

Mrs. Smith stated after today absolutely.

Mr. Jones asked staff, what can we do to pass this recommendation favorably to City Council but yet still follow some form of law?

Mr. Gillie stated you can recommended approval and waive the parking requirement because it is in the code that way now, if Council pass the amendment, staff doesn't recommend this one.

**Mr. Dodson made a motion that we recommend special use permit approval the request as submitted with condition 3 only. Mr. Jones seconded the motion. The motion was approved by a 4-2 vote.**

## **I. MINUTES**

**The October 8, 2018 minutes were approved by unanimous vote.**

## **II. OTHER BUSINESS**

**With no further business, the meeting adjourned at 6:10 p.m.**

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**APPROVED**